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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: McCLAIN FEED YARD, INC., McCLAIN FARMS, INC., AND 7M CATTLE FEEDERS, INC., Debtors. ¹	Chapter 7 CASE NO. 23-20084-rlj Jointly Administered
RABO AGRIFINANCE LLC, <i>Plaintiff,</i> v.	ADV. PROC. NO. 23-02005-rlj Honorable Robert L. Jones

¹ The Debtors in these jointly administered cases are: (1) McClain Feed Yard, Inc. (Case No. 23-20084); (2) McClain Farms, Inc. (Case No. 23-20885); and (3) 7M Cattle Feeders, Inc. (Case No. 23-20886). All three cases are being jointly administered under the case number for McClain Feed Yard, Inc.

ACEY LIVESTOCK, LLC et al.,

*Defendants.*²

MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANTS: (1) STAN E. AYERS, JR.; (2) BRENT BURNETT; (3) TERRY BURNETT; (4) ERIC DEJARNATT; (5) JACE HARROLD; (6) JEAN NIX; (7) CHRISTOPHER PRINCE; (8) DAVID RAINEY; (9) MARK J. REISZ; (10) RALPH REISZ; (11) JEFF STARNES; (12) JUSTIN STUEVER; (13) PHILLIP SULLIVAN; (14) NANCY WEDDINGTON; (15) WILLIAM WEDDINGTON; (16) TOM FRITH; (17) JOHN TINDAL; (18) JOB E. WHITE; (19) JUSTIN GARWOOD; (20) JOANN & KEITH BROOKS D/B/A/ BROOKS FARMS; (21) LARRY KEITH; & (22) JAMES MCCUAN

² The Defendants named in the Complaint are ACEY LIVESTOCK, LLC; MICHAEL ACEY; STAN E. AYERS, JR.; ARNOLD BRAUN TRUST; ARNOLD BRAUN; ROBERT BRAUN; BAR D RANCH LAND & CATTLE LLC; N. TERRY DICKS; BARRETT'S LIVESTOCK INC.; DON RALPH BARRETT; BELLA ELEGANCE LLC; BIG SEVEN CAPITAL PARTNERS, LLC; DORA BLACKMAN; BRYAN BLACKMAN; EDDIE BRYANT; BRENT BURNETT; JOE BURNETT; TERRY BURNETT; BUSS FAMILY TRUST; EDWIN D. BUSS; DENNIS BUSS; C HEART RANCH, LLC; COLETTE LESH; CARRAWAY CATTLE, LLC; RICHARD CARRAWAY; CURTIS JONES FARMS; DAC83 LLC; ERIC DeJARNATT; DON JONES FARM, INC.; DON JONES TRUCKING, INC.; DUFURRENA CUTTING HORSES; EDWARD LEWIS DUFURRENA; RIETA MAY DUFURRENA; ROBERT ELLIS; MICHAEL EVANS; DOUG FINLEY; GARWOOD CATTLE CO.; JUSTIN GARWOOD; GENE BROOKSHIRE FAMILY, LP; JOEL BROOKSHIRE; GRAY BROTHERS CATTLE; ROBERT GRAY; RONNIE GRAY; JIMMY GREER; GUNGOLL CATTLE, LLC; BRADLEY GUNGOLL; LEAH GUNGOLL; JACE HARROLD; HINES CATTLE COMPANY, LLC; HINES FARMS, LLC; A.J. JACQUES LIVING TRUST; CORY JESKO; DWIGHT JESKO, JOANN & KEITH BROOKS d/b/a BROOKS FARMS; LARRY KEITH; DUSTIN JOHNSON; DAVID JOHNSON; KINSEY JONES; KINGDOM TRUST; JAMES MCCUAN; KEITH HARRIS; JANICE LAWHON; JAN LESH; MORRISON CAFÉ, LLC; LESH FAMILY TRUST; GARY LESH; JARED LESH; JORDAN LESH, LLC; LFC CATTLE; CHARLES LOCKWOOD; COLE LOCKWOOD; SHERLE LOCKWOOD; NIKKI LOCKWOOD; MAP ENTERPRISES; MIKE GOURLEY; NATALIE MARTUS; JEAN NIX; OPEN A ARENA LLC; BARRY PHILLIPS; DREW PHILLIPS; PRIEST CATTLE COMPANY LTD; PRIEST VICTORY INVESTMENT LLC; CHRISTOPHER PRINCE; PRODUCERS LIVESTOCK COMMISSION; SONNY BARTHOLD; DAVID RAINEY; RAPP RANCH; MARK J. REISZ; RALPH REISZ; RIDGEFIELD CAPITAL ASSET MANAGEMENT; JIM GIORDANO; RILEY LIVESTOCK, INC.; ANGIE ROBINSON; RICK RODGERS; STEVE RYAN; JIM RININGER; SCARLET & BLACK CATTLE, LLC; COLTON LONG; SCOTT LIVESTOCK COMPANY; SHAW & SHAW FARMS PARTNERSHIP LLC; THE UNIVERSITY OF FLORIDA; ROBERT J. SPRING; STARNES CATTLE; JEFF STARNES; EDDIE STEWART; ROBERT STEWART; RACHEL STEWART; SCOTT E. STEWART; STEVE T SCOTT FARMS, INC.; JUSTIN STUEVER; PHILLIP SULLIVAN; AMY SUTTON; CRAIG SUTTON; TGF RANCH LLC; TOM FRITH; THORLAKSON DIAMOND T FEEDERS, L.P.; JOHN TIDWELL; MYKEL TIDWELL; TINDAL TRUCK SALES; JOHN TINDAL; JANET VANBUSKIRK; LYNDAL VANBUSKIRK; SUSAN VAN BUSKIRK; COLBY VANBUSKIRK; CAMERON WEDDINGTON; NANCY WEDDINGTON; WILLIAM WEDDINGTON; WILDForest CATTLE COMPANY LLC; WILEY ROBY RUSSELL, JR. as TRUSTEE OF THE W. ROBBIE RUSSELL LIVING TRUST; WJ PERFORMANCE HORSES, INC.; JOB WHITE; and KENT RIES, in his capacity as CHAPTER 7 TRUSTEE OF THE DEBTORS' CONSOLIDATED BANKRUPTCY ESTATE.

Pursuant to Federal Rule of Bankruptcy Procedure 7055, Plaintiff, Rabo AgriFinance LLC (“**Plaintiff**” or “**RAF**”), through its counsel of record, hereby respectfully moves the Court to enter a Default Judgment in favor of Plaintiff and against each of the following defendants: Stan E. Ayers, Jr.; Brent Burnett; Terry Burnett; Eric DeJarnatt; Jace Harrold; Jean Nix; Christopher Prince; David Rainey; Mark J. Reisz; Ralph Reisz; Jeff Starnes; Justin Stuever; Phillip Sullivan; Nancy Weddington; William Weddington; Tom Frith; John Tindal; Job E. White; Justin Garwood; Joann & Keith Brooks d/b/a/ Brooks Farms; Larry Keith; and James McCuan (collectively, “**Defendants**”). The form of Default Judgment RAF asks the Court to enter is attached hereto as Exhibit “A.”

The time for the Defendants to file an answer, motion or other appropriate response has now expired.

This Motion is based on the *Declaration of Matthew M. Cannon in Compliance with the Servicemembers Civil Relief Act and in Support of . . . Request for Entry of Default Judgment Against [Defendants]* (the “**Default Decl.**”), as well as the Court’s docket, which show that:

1. On November 30, 2023, Plaintiff filed its First Amended Complaint. (*See* Dkt. 3; Default Decl. ¶ 5.)

Service on Stan E. Ayers, Jr.

2. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Stan E. Ayers, Jr. at 6200 Ross Road, Rockford, OH 45882. (Default Decl. ¶ 6.)

3. The above noted address in Rockford, Ohio, is the same address that Stan E. Ayers, Jr. listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Stan E. Ayers, Jr. Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Stan E. Ayers, Jr. Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 7.)

4. A signed receipt was returned and on December 18, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Stan E. Ayers, Jr. (Dkt. 19; Default Decl. ¶ 8.)

5. Stan E. Ayers, Jr. was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 9.)

6. Stan E. Ayers, Jr. has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 10.)

7. Based on information that was submitted to the data banks of the Department of Defense Manpower Data Center (the “**DMDC**”), the DMDC reports that it does not have any information indicating that Stan E. Ayers, Jr. is currently an active member of the United States military or otherwise on active duty, or that Stan E. Ayers, Jr. is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043 (the “**SCRA**”). A copy of the results from that search is attached to the Default Decl. as Exhibit A-1. (Default Decl. ¶ 11.)

8. Stan E. Ayers, Jr. is not an infant or incompetent person. (Default Decl. ¶ 12.)

Service on Brent Burnett

9. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known

address of the Defendant Brent Burnett at 1612 Sanderson Rd, Mayfield, KY 42066. The certified letter was returned as undeliverable. (Default Decl. ¶ 13.)

10. The above noted address in Mayfield, Kentucky, is the same address that Brent Burnett listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Brent Burnett Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Brent Burnett Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 14.)

11. Starting on or around January 20, 2024, personal service was attempted on Brent Burnett and on January 31, 2024, an Affidavit of Non-Service was executed. (Default Decl. ¶ 15.)

12. On January 25, 2024, the Complaint and the duly issued Summons were mailed via first-class mail to Brent Burnett at 1612 Sanderson Road, Mayfield, KY 42066. (Default Decl. ¶ 16.)

13. A cover letter was included with the Complaint and Summons, which letter stated that a response to the Complaint would be due 30 days from the day Brent Burnett was served with the Complaint and Summons. (Default Decl. ¶ 17.)

14. On February 6, 2024, the Plaintiff filed its Proof of Service of Summons and Complaint on Brent Burnett. (Dkt. 127; Default Decl. ¶ 18.)

15. Brent Burnett was to file and serve his answer or other appropriate response by no later than March 2024. (Default Decl. ¶ 19.)

16. Brent Burnett has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 20.)

17. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Brent Burnett is currently an active member of the United States military or otherwise on active duty, or that Brent Burnett is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Decl. as Exhibit A-2. (Default Decl. ¶ 21.)

18. Brent Burnett is not an infant or incompetent person. (Default Decl. ¶ 22.)

Service on Terry Burnett

19. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Terry Burnett at 210 Bethel Churst Road, Melber, KY 42069. (Default Decl. ¶ 23.)

20. The above noted address in Melber, Kentucky, is the same address that Terry Burnett listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**Terry Burnett Dealer Trust Claim**") filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Terry Burnett Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 24.)

21. A signed receipt was returned and on December 29, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Terry Burnett. (Dkt. 97; Default Decl. ¶ 25.)

22. Terry Burnett was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 26.)

23. Terry Burnett has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 27.)

24. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Terry Burnett is currently an active member of the United States military or otherwise on active duty, or that Terry Burnett is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-3. (Default Decl. ¶ 28.)

25. Terry Burnett is not an infant or incompetent person. (Default Decl. ¶ 29.)

Service on Eric DeJarnatt

26. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant Eric DeJarnatt at 1115 CR 1024, Cunningham, KY 42035. (Default Decl. ¶ 30.)

27. The above noted address in Cunningham, Kentucky, is the same address that Eric DeJarnatt listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**Eric DeJarnatt Dealer Trust Claim**") filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Eric DeJarnatt Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 31.)

28. On January 20, 2024, process server, Nicholas Wyatt, attempted service at 1115 Country Road 1024, Cunningham, KY 42035, at which time the son answered the door and said that the dad “Eric” was in the shower. Mr. Wyatt said he would wait and the son came back later and said that Eric had an attorney who advised him not to accept the paperwork. Mr. Wyatt advised the son he was going to leave the paperwork under a package that had just been delivered and consider it a drop serve. (Dkt. 123; Default Decl. ¶ 32.)

29. A cover letter was included with the Complaint and Summons, which letter stated that a response to the Complaint would be due 30 days from the day Eric DeJarnatt received the Complaint and Summons. (Default Decl. ¶ 33.)

30. On January 31, 2024, the Plaintiff filed its Proof of Service of Summons and Complaint on Eric DeJarnatt. (Dkt. 123; Default Decl. ¶ 34.)

31. Eric DeJarnatt was to file and serve his answer or other appropriate response by no later than February 20, 2024. (Default Decl. ¶ 35.)

32. Eric DeJarnatt has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 36.)

33. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Eric DeJarnatt is currently an active member of the United States military or otherwise on active duty, or that Eric DeJarnatt is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Decl. as Exhibit A-4. (Default Decl. ¶ 37.)

34. Eric DeJarnatt is not an infant or incompetent person. (Default Decl. ¶ 38.)

Service on Jace Harrold

35. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Jace Harrold at 650 FM 163, Cleveland, TX 77327. (Default Decl. ¶ 39.)

36. The above noted address in Cleveland, Texas, is the same address that Jace Harrold listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Jace Harrold Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Jace Harrold Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 40.)

37. A signed receipt was returned and on December 20, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Jace Harrold. (Dkt. 55; Default Decl. ¶ 41.)

38. Jace Harrold was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 42.)

39. Jace Harrold has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 43.)

40. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Jace Harrold is currently an active member of the United States military or otherwise on active duty, or that Jace Harrold is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-

4043. A copy of the results from that search is attached to the Default Decl. as Exhibit A-5.

(Default Decl. ¶ 44.)

41. Jace Harrold is not an infant or incompetent person. (Default Decl. ¶ 45.)

Service on Jean Nix

42. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Jean Nix at P.O. Box 1527, Mont Belvieu, TX 77580. (Default Decl. ¶ 46.)

43. The above noted address in Mont Belvieu, Texas, is the same address that Jean Nix listed on her Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Jean Nix Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Jean Nix Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 47.)

44. A signed receipt was returned, and on December 20, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Jean Nix. (Dkt. 56; Default Decl. ¶ 48.)

45. Jean Nix was to file and serve her answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 49.)

46. Jean Nix has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 50.)

47. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Jean Nix is currently an active member of the United States military or otherwise on active duty, or that Jean Nix is

otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Decl. as Exhibit A-6. (Default Decl. ¶ 51.)

48. Jean Nix is not an infant or incompetent person. (Default Decl. ¶ 52.)

Service on Christopher Prince

49. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant Christopher Prince at 206 Urbana Dr., Blackwell, OK 74631. (Default Decl. ¶ 53.)

50. The above noted address in Blackwell, Oklahoma, is the same address that Christopher Prince listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Christopher Prince Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Christopher Prince Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 54.)

51. A signed receipt was returned and on December 18, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Christopher Prince. (Dkt. 22; Default Decl. 55.)

52. Christopher Prince was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 56.)

53. Christopher Prince has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 57.)

54. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Christopher Prince is currently an active member of the United States military or otherwise on active duty, or that Christopher Prince is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Decl. as Exhibit A-7. (Default Decl. ¶ 58.)

55. Christopher Prince is not an infant or incompetent person. (Default Decl. ¶ 59.)

Service on David Rainey

56. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant David Rainey at 69 CR 640, Corinth, MS 38834. (Default Decl. ¶ 60.)

57. The above noted address in Corinth, Mississippi, is the same address that David Rainey listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**David Rainey Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the David Rainey Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 61.)

58. A signed receipt was returned and on December 19, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on David Rainey. (Dkt. 44; Default Decl. 62.) ¶

59. David Rainey was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 63.)

60. David Rainey has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 64.)

61. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that David Rainey is currently an active member of the United States military or otherwise on active duty, or that David Rainey is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Decl. as Exhibit A-8. (Default Decl. ¶ 65.)

62. David Rainey is not an infant or incompetent person. (Default Decl. ¶ 66.)

Service on Mark J. Reisz

63. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Mark J. Reisz at 514 Americas Way, PMB 13812, Box Elder, South Dakota, 57719. (Default Decl. ¶ 67.)

64. The above noted address in Box Elder, South Dakota, is the same address that Mark J. Reisz listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**Mark J. Reisz Dealer Trust Claim**") filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Mark J. Reisz Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 68.)

65. A signed receipt was returned and on December 28, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Mark J. Reisz. (Dkt. 94; Default Decl. ¶ 69.)

66. Mark J. Reisz was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 70.)

67. Mark J. Reisz has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 71.)

68. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Mark J. Reisz is currently an active member of the United States military or otherwise on active duty, or that Mark J. Reisz is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Decl. as Exhibit A-9. (Default Decl. ¶ 72.)

69. Mark J. Reisz is not an infant or incompetent person. (Default Decl. ¶ 73.)

Service on Ralph Reisz

70. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant Ralph Reisz at 4062 Keller Road, Owensboro, KY 42301. (Default Decl. ¶ 74.)

71. The above noted address in Owensboro, Kentucky, is the same address that Ralph Reisz listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**Ralph Reisz Dealer Trust Claim**") filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Ralph Reisz Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 75.)

72. A signed receipt was returned and on December 27, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Ralph Reisz. (Dkt. 87; Default Decl. ¶ 76.)

73. Ralph Reisz was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 77.)

74. Ralph Reisz has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 78.)

75. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Ralph Reisz is currently an active member of the United States military or otherwise on active duty, or that Ralph Reisz is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Decl. as Exhibit A-10. (Default Decl. ¶ 79.)

76. Ralph Reisz is not an infant or incompetent person. (Default Decl. ¶ 80.)

Service on Jeff Starnes

77. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Jeff Starnes at 851 SW 6th Ave, Williston, FL 32696. (Default Decl. ¶ 87.)

78. The above noted address in Williston, Florida, is the same address that Jeff Starnes listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**Starnes Cattle Trust Claim**") filed with the United States Department of Agriculture, Packers &

Stockyards Division. A copy of the Starnes Cattle Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 88.)

79. A signed receipt was returned and on December 19, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Jeff Starnes. (Dkt. 42; Default Decl. ¶ 89.)

80. Jeff Starnes was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 90.)

81. Jeff Starnes has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 91.)

82. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Jeff Starnes is currently an active member of the United States military or otherwise on active duty, or that Jeff Starnes is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Decl. as Exhibit A-11. (Default Decl. ¶ 92.)

83. Jeff Starnes is not an infant or incompetent person. (Default Decl. ¶ 93.)

Service on Justin Stuever

84. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Justin Stuever at P.O. Box 22, Morrison, OK 73061. (Default Decl. ¶ 94.)

85. The above noted address in Morrison, Oklahoma, is the same address that Justin Stuever listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Justin**

Stuever Trust Claim”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Justin Stuever Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 95.)

86. A signed receipt was returned and on December 18, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Justin Stuever. (Dkt. 26; Default Decl. ¶ 96.)

87. Justin Stuever was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 97.)

88. Justin Stuever has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 98.)

89. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Justin Stuever is currently an active member of the United States military or otherwise on active duty, or that Justin Stuever is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-12. (Default Decl. ¶ 99.)

90. Justin Stuever is not an infant or incompetent person. (Default Decl. ¶ 100.)

Service on Phillip Sullivan

91. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Phillip Sullivan at 396 Neeley Rd., Mayfield, KY 42066. (Default Decl. ¶ 101.)

92. The above noted address in Mayfield, Kentucky, is the same address that Phillip Sullivan listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Phillip Sullivan Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Phillip Sullivan Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 102.)

93. A signed receipt was returned and on December 21, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Phillip Sullivan. (Dkt. 63; Default Decl. ¶ 103.)

94. Phillip Sullivan was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 104.)

95. Phillip Sullivan has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 105.)

96. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Phillip Sullivan is currently an active member of the United States military or otherwise on active duty, or that Phillip Sullivan is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-13. (Default Decl. ¶ 106.)

97. Phillip Sullivan is not an infant or incompetent person. (Default Decl. ¶ 107.)

Service on Nancy Weddington

98. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known

address of the Defendant Nancy Weddington at 3486 Hwy 70 East, Brownsville, TN 38012.

(Default Decl. ¶ 114.)

99. The above noted address in Brownsville, Tennessee, is the same address that Nancy Weddington listed on her Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Nancy Weddington Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Nancy Weddington Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 115.)

100. A signed receipt was returned and on December 19, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Nancy Weddington. (Dkt. 47; (Default Decl. ¶ 116.)

101. Nancy Weddington was to file and serve her answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 117.)

102. Nancy Weddington has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 118.)

103. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Nancy Weddington is currently an active member of the United States military or otherwise on active duty, or that Nancy Weddington is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-14. (Default Decl. ¶ 119.)

104. Nancy Weddington is not an infant or incompetent person. (Default Decl. ¶ 120.)

Service on William Weddington

105. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant William Weddington at 3486 Hwy 70 East, Brownsville, TN 38012. (Default Decl. ¶ 121.)

106. The above noted address in Brownsville, Tennessee, is the same address that William Weddington listed on his Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**William Weddington Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the William Weddington Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 122.)

107. A signed receipt was returned and on December 19, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on William Weddington. (Dkt. 49; Default Decl. ¶ 123.)

108. William Weddington was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 124.)

109. William Weddington has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 125.)

110. Based on information that was submitted to the DMDC, the DMDC reports that it does not have any information indicating that William Weddington is currently an active member of the United States military or otherwise on active duty, or that William Weddington is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-

4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-15. (Default Decl. ¶ 126.)

111. William Weddington is not an infant or incompetent person. (Default Decl. ¶ 127.)

Service on Tom Frith

112. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Tom Frith at 1585 E. M79 Hwy, Hastings, MI 49058. (Default Decl. ¶ 128.)

113. The above noted address in Hastings, Michigan, is the same address that Tom Frith listed on the Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**TGF Ranch Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the TGF Ranch Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 129.)

114. A signed receipt was returned and on December 15, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Tom Frith. (Dkt. 15; Default Decl. ¶ 130.)

115. Tom Frith was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 131.)

116. Tom Frith has failed to appear and answer or otherwise respond to the Plaintiff’s Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 132.)

117. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that Tom Frith is currently an active member of the United States military or otherwise on active duty, or that Tom Frith is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-16. (Default Decl. ¶ 133.)

118. Tom Frith is not an infant or incompetent person. (Default Decl. ¶ 134.)

Service on John Tindal

119. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant John Tindal at 3483 State Route 45N, Mayfield, KY 42066. (Default Decl. ¶ 141.)

120. The above noted address in Mayfield, Kentucky, is the same address as the Tindal Dealer Trust Claim filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Tindal Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 142.)

121. A receipt was returned and on December 21, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on John Tindal. (Dkt. 62; Default Decl. ¶ 143.)

122. John Tindal was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 144.)

123. John Tindal has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 145.)

124. Based on information that was submitted to the DMDC, the DMDC reports that it does not have any information indicating that John Tindal is currently an active member of the United States military or otherwise on active duty, or that John Tindal is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-18. (Default Decl. ¶ 146.)

125. John Tindal is not an infant or incompetent person. (Default Decl. ¶ 147.)

Service on Job E. White

126. On December 5, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Job E. White at 10216 SW 49th Ln., Gainesville, FL 32608. (Default Decl. ¶ 148.)

127. A signed receipt was returned and on December 21, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Job E. White. (Dkt. 66; Default Decl. ¶ 149.)

128. Job E. White was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 150.)

129. Job E. White has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 151.)

130. Based on information that was submitted to the DMDC, the DMDC reports that it does not have any information indicating that Job E. White is currently an active member of the United States military or otherwise on active duty, or that Job E. White is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-19. (Default Decl. ¶ 152.)

131. Job E. White is not an infant or incompetent person. (Default Decl. ¶ 153.)

Service on Justin Garwood

132. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant Justin Garwood at 2538 Middleton Rd., Columbiana, OH 44408. (Default Decl. ¶ 154.)

133. The above noted address in Columbiana, Ohio, is the same address that Justin Garwood listed on the Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Garwood Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Garwood Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 155.)

134. A signed receipt was returned and on December 20, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Justin Garwood. (Dkt. 54; Default Decl. ¶ 156.)

135. Justin Garwood was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 157.)

136. Justin Garwood has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 158.)

137. Based on information that was submitted to the DMDC, the DMDC reports that it does not have any information indicating that Justin Garwood is currently an active member of the United States military or otherwise on active duty, or that Justin Garwood is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-20. (Default Decl. ¶ 159.)

138. Justin Garwood is not an infant or incompetent person. (Default Decl. ¶ 160.)

Service on Joann & Keith Brooks d/b/a/ Brooks Farms

139. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant Joann & Keith Brooks d/b/a/ Brooks Farms at 4778 Albert Owens Rd., South Fulton, TN 38257. (Default Decl. ¶ 161.)

140. The above noted address in South Fulton, Tennessee, is the same address that Joann & Keith Brooks d/b/a/ Brooks Farms listed on their Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the "**Joann & Keith Brooks d/b/a/ Brooks Farms Dealer Trust Claim**") filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Joann & Keith Brooks d/b/a/ Brooks Farms Dealer Trust Claim can be provided to the Court upon request. (Default Decl. ¶ 162.)

141. A signed receipt was returned and on December 27, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Joann & Keith Brooks d/b/a/ Brooks Farms. (Dkt. 90; Default Decl. ¶ 163.)

142. Joann & Keith Brooks d/b/a/ Brooks Farms was to file and serve their answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 164.)

143. Joann & Keith Brooks d/b/a/ Brooks Farms have failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 165.)

144. Joann & Keith Brooks d/b/a/ Brooks Farms are not infants or incompetent people. (Default Decl. ¶ 166.)

Service on Larry Keith

145. On December 6, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant Larry Keith at 1462 Pauley Flatwoods Road, Austinville, VA 24312-3656. (Default Decl. ¶ 167.)

146. A signed receipt was returned and on December 18, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on Larry Keith. (Dkt. 16; Default Decl. ¶ 168.)

147. Larry Keith was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 169.)

148. Larry Keith has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 170.)

149. Based on information that was submitted to the DMDC, the DMDC reports that it does not have any information indicating that Larry Keith is currently an active member of the United States military or otherwise on active duty, or that Larry Keith is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-21. (Default Decl. ¶ 171.)

150. Larry Keith is not an infant or incompetent person. (Default Decl. ¶ 172.)

Service on James McCuan

151. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, to the last known address of the Defendant James McCuan at 6804 Poplar Corner Rd., Bells, TN 38006. (Default Decl. ¶ 173.)

152. A signed receipt was returned and on December 21, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on James McCuan. (Dkt. 70; Default Decl. ¶ 174.)

153. James McCuan was to file and serve his answer or other appropriate response by no later than January 2, 2024. (Default Decl. ¶ 175.)

154. James McCuan has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired. (Default Decl. ¶ 176.)

155. Based on information that was submitted to the data banks of the DMDC, the DMDC reports that it does not have any information indicating that James McCuan is currently an active member of the United States military or otherwise on active duty, or that James

McCuan is otherwise entitled to the protection of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043. A copy of the results from that search is attached to the Default Declaration as Exhibit A-22. (Default Decl. ¶ 177.)

156. James McCuan is not an infant or incompetent person. (Default Decl. ¶ 178.)

FACTS APPLICABLE TO ALL DEFENDANTS

157. Because the Defendants have failed to file an answer or otherwise respond to Plaintiff's Complaint within the time-period allowed by law, on June 21, 2024, Plaintiff filed its request that a *Certificate of Default* against each of the Defendants be entered. (Default Decl. ¶ 179.)

158. Plaintiff's Complaint seeks a Declaratory Judgment only against each of the Defendants. No money damages are requested. And while the Complaint requests numerous declaratory findings from the Court, not all requested declaratory relief findings are necessary as part of the Default Judgment Plaintiff requests. (Default Decl. ¶ 180.)

159. As part of this Request, Plaintiff respectfully asks that the Court's Default Judgment contain the following declaratory findings only:

A. To the extent that a Defendant filed a claim with the United States Department of Agriculture, Packers & Stockyards Division under 7 U.S.C. § 217b (the "**Dealer Trust Statute**") asserting a claim(s) (the "**Dealer Trust Claim**") against McClain Feed Yard, Inc., McClain Farms, Inc., 7M Cattle Feeders, Inc., and/or Brian McClain (collectively, the "**McClain Debtors**"), such claim is not a valid claim under the Dealer Trust Statute.

B. Defendants' Dealer Trust Claims are not valid and are not payable under the Dealer Trust Statute.

C. Defendants are not entitled to any funds or payments as a trust fund claimant or secured creditor under the Dealer Trust Statute.

D. If and to the extent a Defendant has claims against the McClain Debtors related to the subject matter of a Dealer Trust Claim, such claims are, at most, general unsecured claims against the bankruptcy estate, and are not secured claims or trust claims.

160. Except as set forth above, all other requests for declaratory relief in Plaintiff's Complaint against any Defendant addressed herein, if any, are unnecessary and should be denied as moot and dismissed.

Based on the foregoing, and pursuant to Federal Rules of Civil Procedure 55(b)(1), as incorporated by Federal Rules of Bankruptcy Procedure 7055, Plaintiff hereby respectfully requests the entry of a Default Judgment in favor of Plaintiff and against each of the Defendants named herein as set forth in paragraph 159 above. Plaintiff also requests an award of its recoverable costs and expenses, excluding attorney's fees, to the extent authorized or allowed by law.

DATED this 25th day of July 2024.

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/s/ Michael R. Johnson

Michael R. Johnson
Matthew M. Cannon

Attorneys for Rabo AgriFinance LLC

1677459

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2024, I electronically filed the foregoing **Motion for Entry of Default Judgment** with the United States Bankruptcy Court for the Northern District of Texas by using the CM/ECF system which sent notice to registered ECF users in this case. I further certify that on July 25, 2024, I mailed the foregoing via first class mail to the following:

Stan E. Ayers, Jr. 6200 Ross Road Rockford, OH 45882	Christopher Prince 206 Urbana Dr. Blackwell, OK 74631	Justin Stuever P.O. Box 22 Morrison, OK 73061	James McCuan 6804 Poplar Corner Rd Bells, TN 38006
Brent Burnett 1612 Sanderson Rd Mayfield, KY 42066	David Rainey 69 CR 640 Corinth, MS 38834	Phillip Sullivan 396 Neeley Rd. Mayfield, KY 42066	John Tindal 3483 State Route 45N Mayfield, KY 42066
Terry Burnett 210 Bethel Churst Road Melber, KY 42069	Mark J. Reisz 1631 McLucas Lane The Villages, FL 34762	Larry Keith 1462 Pauley Flatwoods Road Austinville, VA 24312-3656	Job E. White 10216 SW 49 th Ln. Gainesville, FL 32608
Eric Dejarnatt 1115 Country Road 1024 Cunningham, KY 42035	Ralph Reisz 4062 Keller Road Owensboro, KY 42301	Nancy Weddington 3486 Hwy 70 East Brownsville, TN 38012	Justin Garwood 2538 Middleton Rd., Columbiana, OH 44408
Jace Harrold 650 FM 163 Cleveland, TX 77327	Tom Frith 1585 E. M79 Hwy Hastings, MI 49058	William Weddington 3486 Hwy 70 East Brownsville, TN 38012	Joann & Keith Brooks d/b/a/ Brooks Farms 4778 Albert Owens Rd. South Fulton, TN 38257
Jean Nix P.O. Box 1527 Mont Belvieu, TX 77580	Jeff Starnes 851 SW 6 th Ave Williston, FL 32696		

/s/ Brandy Sears